

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on February 15, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SJR 17, SB 362, 2/12/2001
Executive Action: HB 80, HB 97, HB 311, SJR 17

HEARING ON SJR 17

Sponsor: SEN. BOB KEENAN, SD 38, Bigfork

Proponents: None

Opponents: None

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Opening Statement by Sponsor:

SEN. BOB KEENAN, SD 38, Bigfork, stated this was a joint resolution dictating the disposition of the Xanthopoulos building and preventing the transfer of the Xanthopoulos building from state ownership to Anaconda-Deer Lodge for use as a regional correctional facility. This was a concern of the mental health community, he said, because they did not want to give away a building that was in good shape and was a good treatment facility. **SEN. KEENAN** stated he had introduced SB 207 to block the transfer, and the Land Board addressed those issues at their November 20 meeting and made a motion to transfer the building to Anaconda-Deer Lodge on April 1, 2001 unless a resolution was passed by a majority of the legislature dictating different disposition. **SEN. KEENAN** added that was the reason for his presenting this joint resolution to ensure every base was covered to keep the building in state ownership.

Proponents' Testimony: None**Opponents' Testimony: None****Questions from Committee Members and Responses:**

SEN. JOHN BOHLINGER asked **SEN. KEENAN** what the value of the building was. **SEN. KEENAN** replied it was worth approximately \$12 million.

Closing by Sponsor: **SEN. BOB KEENAN, SD 38, Bigfork,** closed SJR 17.

HEARING ON SB 362

Sponsor: **SEN. JOHN TESTER, SD 45, Big Sandy**

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SEN. JOHN TESTER, SD 45, Big Sandy told the committee this was an ethics bill stating that a legislator could not use their position for personal benefit.

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. PETE EKEGREN stated this was a good bill.

SEN. ED BUTCHER said sometimes the name "senator" could get something done on behalf of the constituents.

SEN. BOHLINGER told **SEN. TESTER** that on page two, lines five and six, where it stated the legislators were not prohibited to act on behalf of constituents, but they were not to use the title for personal benefit or advantage would answer **SEN. BUTCHER's** question.

Closing by Sponsor: **SEN. JOHN TESTER, SD 45**, closed SB 362.

EXECUTIVE ACTION ON HB 80

David Niss, legislative services told the committee that he had found information about the impact of the National Voters Rights Act on homeless persons. The NVRA did provide protection for people who move their home base from one location to another within an election district and required that the registrant be permitted to vote at either the previously polling place or a central location upon affirmation of the new address by the registrant or at a new polling place upon confirmation of the new address, he said. **David Niss** said he read this information to the attorney at the FEC that he spoke with and was told that information was wrong. She told him that the NVRA allows the state to choose between those choices. **Mr. Niss** said it did not require that all of them be available for the homeless person; rather, it required the state to choose between those choices. He added that the NVRA would require that the homeless person be allowed to vote at either the precinct where they voted before, a new precinct, or at some central location.

SEN. JIM ELLIOTT said to say that a person had to file an exact physical address would be disenfranchisement.

Motion: **SEN. BUTCHER** moved that **HB 80 BE CONCURRED IN.**

Discussion:

SEN. KEN TOOLE reminded the committee that currently, the Clerk and Records did not have to register people to vote if they could not figure out where they lived. He expressed concern that this bill

would allow the Clerk and Recorders to throw away voter registration cards easily and that there would be adverse reactions from the Indian community.

David Niss said the NVRA did not use the term "homeless person", but was referring to a non-traditional address; therefore, this would impact people on reservations who use non-traditional addresses, and it was those people who use the non-traditional addresses that the state would be required to allow one of the three choices.

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SEN. BUTCHER said he was concerned about any transient population abusing the election process.

SEN. ELLIOTT told the committee because the language was subjective, it could be interpreted differently by Clerks and Recorders, with some being very diligent and some not.

SEN. TOOLE reiterated his concern about the Clerks and Recorders not wanting to take on this responsibility.

SEN. BOHLINGER said this could bring honesty to the process.

SEN. FRANKLIN stated she agreed with **SEN. BOHLINGER's** point, but felt this bill did not do that and could not support the bill.

SEN. BUTCHER said this issue was important for school district elections.

SEN. EKEGREN commented that the voter had a responsibility in voting also.

SEN. ELLIOTT said there was significant opposition about this bill from the Native American population where reservation voting was different.

SEN. HARGROVE said this bill made it more difficult for people to register to vote.

SEN. BUTCHER stated that they could use the P.O. Box for the precinct location if they did not have the rest of the information.

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SEN. FRANKLIN said this bill had negative interaction and would create adversity.

Substitute Motion/Vote: SEN. FRANKLIN made a substitute motion that HB 80 BE TABLED. Substitute motion failed 3-5 with Elliott, Toole, and Franklin voting aye.

Vote: Motion that HB 80 BE CONCURRED IN carried 5-3.

EXECUTIVE ACTION ON HB 97

Motion/Vote: SEN. EKEGREN moved that HB 97 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 311

Motion: SEN. BUTCHER moved that HB 311 BE CONCURRED IN.

Discussion:

SEN. TOOLE told the committee he was troubled by the proponent for this bill who admitted he had been armed, and for situations where there was also family present.

SEN. HARGROVE said in Section 3, the bill states that you may stay on your property if the fire was on your property.

SEN. EKEGREN expressed concern about people building in some of those places with lots of trees close to the buildings and was not sure if the government should be making special efforts to save those people's homes.

SEN. BOHLINGER stated concerns about Section 3, Sub-section 3, wondering about the resident's wife and children. He added that this would put people at risk.

SEN. TOOLE said often the evacuating authorities know more about the fires than the public does.

SEN. EKEGREN reiterated the concern about the children being present at the residence during a fire.

SEN. BUTCHER stated it was interesting how many people do stay and protect their homes and property.

SEN. BUTCHER wanted to add a statement declaring that no governmental entity would be held responsible for injuries incurred by the property owner should they choose to stay.

SEN. TOOLE requested an amendment stating that people under 18 years of age would be required to leave.

SEN. BUTCHER withdrew his motion.

EXECUTIVE ACTION ON HJ 4

A letter was distributed from Bill Jones, Secretary of State for the state of California pertaining to the concerns addressed in HJ 4 **EXHIBIT (sts38a01)**. The committee agreed to read the letter and talk about it the next day.

EXECUTIVE ACTION ON SJR 17

SEN. FRANKLIN told the committee about the present situation addressed in this bill. She said the mental health community needed the building and wanted to state to retain ownership.

SEN. BOHLINGER told the committee the state should not be in a position to give away a \$12 million asset.

SEN. FRANKLIN said she was not sure of the financial arrangements or the fiscal issue with this resolution.

Motion/Vote: **SEN. FRANKLIN** moved that **SJR 17 BE ADOPTED. Motion carried unanimously.**

ADJOURNMENT

Adjournment: 11:30 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts38aad)